

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MATTHEW P. SCHORR,

Plaintiff,

v.

JEFFREY S. WALTON, WILLIAM TRUE,
III, THOMAS R. CANE and TODD SLOOP,

Defendants.

Case No. 15-cv-1242-JPG-SCW

MEMORANDUM AND ORDER

This matter comes before the Court on the Report and Recommendation (“Report”) (Doc. 65) of Magistrate Judge Stephen C. Williams recommending that the Court grant the motion to dismiss filed by defendant William True, III, sued in his official capacity as the acting warden of USP-Marion, (Doc. 43) and dismiss as moot the claims against True in Counts 1, 2 and 3 without prejudice.

The Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in a report and recommendation. Fed. R. Civ. P. 72(b)(3). The Court must review *de novo* the portions of the report to which objections are made. *Id.* “If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error.” *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

The Court has received no objection to the Report. The Court has reviewed the entire file and finds that the Report is not clearly erroneous. Accordingly, the Court hereby:

- **ADOPTS** the Report in its entirety (Doc. 65);
- **GRANTS** True’s motion to dismiss (Doc. 43);

- **DISMISSES** Counts 1, 2 and 3 against True **without prejudice**; and
- **DIRECTS** the Clerk of Court to enter judgment accordingly at the close of the case.

True is terminated as a defendant in this case.

IT IS SO ORDERED.

DATED: June 7, 2017

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE